

### **REMARKS/ARGUMENTS**

Applicant appreciates the Examiner granting applicant's attorney an in-person interview on December 11, 2008. Applicant submits herewith an interview summary form in accordance with M.P.E.P. §713.04.

Applicant gratefully acknowledges the Examiner's conclusion, as set forth in the remarks in the Examiner's submitted Interview Summary, that the amendment to the independent claim overcame the prior art.

Claims 1-4 and 7-10 have been amended, claims 11-14 have been canceled and new claims 15 and 16 have been added to define applicant's invention. Applicant submits that the changes to these claims make explicit that which applicant believed to be already implicit.

Claims 1-10 stand rejected under 35 U.S.C. §101. Applicant respectfully traverses this rejection.

Applicant respectfully submits that the amendments to claims 1-10 effectively overcome the Examiner's rejection under 35 U.S.C. §101. In particular, the amendments to the claims tie applicant's claim 1 to another statutory clause, in particular to an apparatus or machine. Reconsideration is respectfully requested.

Claims 2, 10, 12 and 14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submits that the amendments made to claims 2 and 10 effectively overcome the Examiner's rejection, and reconsideration is respectfully requested.

Claims 1-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by Donoho et al. ("Donoho," U.S. Patent No. 7,346,655). Applicant respectfully traverses this rejection.

As noted above, the Examiner has acknowledged that the amendments to applicant's claims has overcome the prior art.

Applicant submits that features claimed in claim 1, as amended, are not taught or suggested in the prior art, including the patent to Donoho. Accordingly, applicant's claim 1 is patentable.

Dependent claims 2-10, 15 and 16 depend directly or indirectly from claim 1, and are patentable as well as because of the combination of features in those claims with the features set forth in the claims from which they depend.

Accordingly, and in view of the above-identified amendments to the claims and remarks set forth above, the Examiner is respectfully requested to reconsider the application, allow the claims as amended and pass this case to issue.

THIS CORRESPONDENCE IS BEING  
SUBMITTED ELECTRONICALLY  
THROUGH THE PATENT AND  
TRADEMARK OFFICE EFS FILING SYSTEM  
ON January 9, 2009.

Respectfully submitted,



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